

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

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| In the Matter of |) | |
| |) | |
| Continental Airlines of Houston, Texas |) | ET Docket No. 05-247 |
| |) | |
| Petition for Declaratory Ruling Regarding |) | |
| Whether Certain Restrictions on Antenna |) | |
| Installation Are Permissible Under the |) | |
| Commission's Over-the-Air Reception Devices |) | |
| (OTARD) Rules |) | |

MOTION FOR EXTENSION OF TIME

The Massachusetts Port Authority ("Massport"), through its undersigned counsel, respectfully requests that the Federal Communications Commission ("FCC") grant a thirty-day extension of time to file comments and reply comments in response to the *Public Notice* in the above-captioned matter,¹ pursuant to Section 1.46 of the FCC's rules.² As discussed in greater detail below, Massport believes that good cause exists for an extension of the comment and reply deadlines specified in the *Public Notice* and, thus, requests that the FCC extend the comment deadline to September 28, 2005, and the reply comment deadline to October 13, 2005.

Massport is an independent public authority of the Commonwealth of Massachusetts, created by act of the legislature in 1956 to own and operate Boston-Logan International Airport, L.G. Hanscom Field, the Tobin Memorial Bridge, and certain facilities within the Port of Boston. In 2003, Massport and Continental entered into a Lease Agreement regarding the use of the

¹ OET Seeks Comment on Petition from Continental Airlines for Declaratory Ruling Regarding Whether Certain Restrictions on Antenna Installation Are Permissible under the Commission's Over-the-Air Reception Devices (OTARD) Rules, ET Docket No. 05-247, DA 05-2213 (2005) [hereinafter *Public Notice*].

² 47 C.F.R. § 1.46 (2004).

terminal at Boston-Logan International Airport. The Lease Agreement's provisions related to the installation of communications antennas are the subject of the *Public Notice*.

The public interest supports an extension of time for Massport to explore options for meeting Continental's commercial interests without compromising airport safety and security. Although Massport does not know whether this will prove fruitful, an extension of time to file comments and reply comments in this proceeding would, at a minimum, allow for the possibility that Massport and Continental could resolve the antenna-installation issue without FCC intervention. If the parties could resolve this issue promptly, consistent with Massport's primary objective of the overall safety and security of airport operations at Logan, the public interest would be served. The FCC has previously recognized the benefits of private dispute resolution, even adopting a policy statement in which it expressly "supports and encourages the use of alternative dispute resolution procedures in its administrative proceedings."³ Private dispute resolution assists the FCC in its decision-making process, making proceedings more efficient, preserving valuable resources, and crafting solutions that advance the interests of the specific parties.

Even if Massport and Continental fail to reach an understanding, an extension of time would serve the public interest by providing the FCC with a more complete record on which to base its decision. A decision in the proceeding could potentially have an adverse long-range impact on Logan and other airports nationwide.⁴ Given the recent experience of the 800 MHz

³ 47 C.F.R. § 1.18; *see In re Use of Alternative Dispute Resolution Procedures in Commission Proceedings in which the Commission is a Party*, GC Docket No. 91-119, *Initial Policy Statement and Order*, 6 FCC Rcd 5669 (1997).

⁴ Massport understands that the Airports Council International-North America, a trade association representing the local, regional, and state governing bodies that own and operate the
(continued...)

band where commercial operations eventually degraded the RF operating environment of important public safety communications systems, the Commission needs to fully understand the safety and other issues raised by the potential applicability of the Over-the-Air Reception Devices ("OTARD") rules in the complex airport environment.

We have contacted counsel for Continental in regard to this extension request, and they have indicated they are not certain of their position in regard to this request at this time.

For the reasons set forth above, Massport believes that the FCC and the public interest would benefit from the extension of the comment deadline to September 28, 2005, and the reply comment deadline to October 13, 2005.

Respectfully submitted,

MASSACHUSETTS PORT AUTHORITY

By: 

Christine M. Gill
Keith A. McCrickard
McDERMOTT WILL & EMERY LLP
600 Thirteenth Street, N.W.
Washington, D.C. 20005-3096
202.756.8000

Deborah Lau Kee
Associate Deputy Chief Legal Counsel
Massachusetts Port Authority
One Harborside Drive, Suite 200S
East Boston, MA 02128-2800
617.428.2800

Its Attorneys

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principal airports in the United States, will file a similar motion for an extension of time in this proceeding.

CERTIFICATE OF SERVICE

I, Christine Biso, do hereby certify that on this 16th day of August 2005, a copy of the foregoing "Motion for Extension of Time" was sent by first-class mail, postage prepaid, except as otherwise noted, to the following:

Marlene H. Dortch (Via ECFS)
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

James D. Schlichting (Via E-mail)
Deputy Chief
Office of Engineering and Technology
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Bruce A. Romano (Via E-mail)
Associate Chief (Legal)
Office of Engineering and Technology
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Gary Thayer (Via E-mail)
Office of Engineering and Technology
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Holden E. Shannon
Senior Vice President
Global Real Estate & Security
Continental Airlines, Inc.
1600 Smith Street HQSVP
Houston, TX 77002

Robert Edwards
Staff Vice President, System Operations
Continental Airlines, Inc.
1600 Smith Street-HQSTK
Houston, TX 77002

Donna J. Katos
Managing Attorney-Litigation
Thomas Newton Bolling
Senior Attorney-Regulatory
Continental Airlines, Inc.
1600 Smith Street-HQSLG
Houston, TX 77002

Henry M. Rivera
Vinson & Elkins, LLP
The Willard Office Building
1455 Pennsylvania Avenue, NW
Washington, DC 20004-1008
Counsel for Continental Airlines, Inc.

Patricia A. Hahn
General Counsel and Senior Vice President
Airports Council International-North America
Suite 500
1775 K Street, N.W.
Washington, DC 20006

Matthew C. Ames
Miller & Van Eaton, P.L.L.C.
Suite 1000
1155 Connecticut Avenue, N.W.
Washington, D.C. 20036
Counsel for Airports Council International-North America

/s/Christine Biso
Christine Biso